

LEREBOUR et al.
Appl. No. 09/782,520
Atty. Ref.: 2365-28
Response
September 30, 2008

REMARKS

Reconsideration is requested.

Claims 13-36 are pending. Claims 16 and 28-36 have been withdrawn from consideration.

The Section 112, second paragraph, rejection of claims 13-15 and 17-27 is traversed. Reconsideration and withdrawal of the rejection are requested as “olive oil” is not one of the specified components of the claims, as appears to be the basis of the Examiner’s rejection. The term “olive oil” was excluded from the claims with the Amendment filed December 26, 2007, as noted on page 8 in the Remarks of the Amendment. Withdrawal of the Section 112, second paragraph, rejection of claims 13-15 and 17-27 is requested.

The Section 103 rejection of claims 13-15, 17-24, 26 and 27 over Carson (U.S. Patent No. 5,416,075) in view of Arai (Nippon Kagaku Ryoho Gakkai Zasshi (1996), 44(10), pages 786-791, abstract), is traversed. The Section 103 rejection of claim 25 over Carson, Arai and Cullinan (U.S. Patent No. 5,439,923), is traversed. Reconsideration and withdrawal of the rejections are requested in view of the following remarks.

The applicants believe that the abstract of Arai discloses some experiments made *in vitro* on bacterial cultures of *Staphylococcus aureus*. The document cites in particular olive oil as presenting a weak inhibitory activity against the bacteria studied.

The applicants believe that Carson discloses emulsions containing oily phase, water phase and in which oil droplets carry amphipathic molecules wherein the

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hydrophilic part of the amphipathic molecule contains a moiety recognized by a microorganisms and/or by a biological surface (col. 2, lines 59-61).

The applicants submit however that since olive oil has been excluded from the list of compounds of claim 13, the teachings of Arai and Carson would not have led one of ordinary skill in the art to have made the claimed invention.

Without a requirement of olive oil in the claimed invention, the cited Arai is not relevant to the patentability of the claimed invention, and the combination of Arai with Carson would not have led one of ordinary skill to the claimed invention.

The teaching of Cullinan fails to cure the deficiencies of Carson and Arai. Claim 25 is submitted to be patentable over the cited art.

Withdrawal of the Section 103 rejections of the claims is requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned in the event anything further is required.

Respectfully submitted,

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